

160244

FRA - 2000 - 7257 - 48

Meeting of the Railroad Safety Advisory Committee

Almas Temple Club
1315 K Street, NW, Washington DC 20005
February 13, 2002

**FEDERAL RAILROAD
ADMINISTRATION**
2002 FEB 15 AM 11 53
OFFICE OF CHIEF COUNSEL

AGENDA

- 9:30 a.m.**

MEETING CONVENES

George Gavalla, Chairperson

Opening Remarks

Allan Rutter, Administrator

Railroad Passenger
and Freight Operations Security

George Gavalla/Ed Pritchard
- 10:30-10:45**

BREAK

Continued Discussion on
Railroad Passenger
and Freight Operations Security

*George Gavalla/Ed Pritchard/
Chuck Dettmann (AAR)/
Fran Hooper (APTA)*

National Transportation Safety Board

*Jim Rosenburg, NTSB Deputy Director
of Safety Recommendations*
- 12:00-1:00 p.m.**

LUNCH

Alcohol and Drug Use

Lamar Allen/Dr. Garber (NTSB)

Cab Working Conditions

Jeffrey Horn/Grady Cothen

Accident/Incident Reporting

Robert Finkelstein

Blue Signal

Doug Taylor/Grady Cothen

Event Recorders

Ed Pritchard

Other Working Group Activity -
Status Report

Grady Cothen
- 2:15-2:30**

BREAK

Highway-Rail Grade Crossings

Ron Ries

Recap and General Discussion
Planning-Scheduling-Administrative

George Gavalla
- 4:00 pm**

ADJOURN

DEPARTMENT OF TRANSPORTATION**Office of the Secretary****Aviation Proceedings, Agreements
Filed During the Week Ending January
4, 2002**

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. sections 412 and 414. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST-2002-11268.

Date Filed: January 3, 2002.

Parties: Members of the International Air Transport Association.

Subject: Mail Vote 191—Resolution Olla.

Mileage Manual Non-TC Member/Non-IATA Carrier Sectors (Amending).

Intended effective date: 1 February 2002 for implementation 1 April 2002.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 02-1258 Filed 1-16-02; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF TRANSPORTATION**Office of the Secretary****Notice of Applications for Certificates
of Public Convenience and Necessity
and Foreign Air Carrier Permits Filed
Under Subpart B (formerly Subpart Q)
During the Week Ending December 28,
2001**

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST-2001-11251.

Date Filed: December 28, 2001.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: January 18, 2002.

Description: Application of Amerijet International, Inc., pursuant to 49 U.S.C. section 41105, requesting a disclaimer of jurisdiction and reissuance of certificate or, alternatively, approval of the transfer of Amerijet's certificates of public convenience and necessity and

other operating authority to Amerijet Acquisition Corporation.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 02-1257 Filed 1-16-02; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF TRANSPORTATION**Coast Guard****[USCG-2002-113131]****Great Lakes Pilotage Advisory
Committee**

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: The Great Lakes Pilotage Advisory Committee (GLPAC) will meet to discuss various organizational and administrative issues relating to the operation of the Committee and to develop a business plan for 2002. The meetings are open to the public.

DATES: GLPAC will meet on Friday, February 1, 2002, from 9:00 a.m. to 12:00 p.m. The meeting may close early if all business is finished. Written material and requests to make oral presentations should reach the Coast Guard on or before January 25, 2002. Requests to have material distributed to each member of the Council prior to the meeting should reach the Executive Director of GLPAC along with 25 copies of the material on or before January 22, 2002.

ADDRESSES: GLPAC will meet at in Room B1 of the Federal Building, 1240 East 9th Street, Cleveland, OH 44199. Send written material and requests to make oral presentations to Ms. Margie G. Hegy, Commandant (G-MW), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001. This notice is available on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Ms. Margie G. Hegy, Executive Director of GLPAC, telephone 202-267-0415, fax 202-267-4700.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agenda of Meeting

The agenda includes the following:

- (1) Review of GLPAC's Charter.
- (2) Overview of the Federal Advisory Committee Act (FACA).
- (3) Committee Operating Procedures.
- (4) Committee Planning Session for 2002 and Business Plan Development.

Procedural

All meetings are open to the public. Please note that the meeting may close early if all business is finished. At the Executive Director's discretion, members of the public may make oral presentations during the meetings. If you would like to make an oral presentation, please notify the Executive Director no later than January 25, 2002. Written material for distribution at a meeting should reach the Coast Guard no later than January 25, 2002. If you would like a copy of your material distributed to each member of the Council in advance of the meeting, please submit 25 copies to the Executive Director no later than January 22, 2002.

**Information on Services for Individuals
With Disabilities**

For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact the Executive Director as soon as possible.

Dated: January 11, 2002.

Jeffrey P. High,

Director of Waterways Management.

[FR Doc. 02-1186 Filed 1-16-02; 8:45 am]

BILLING CODE 4910-15-P

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration**

[Docket No. FRA-2000-7257; Notice No. 27]

**Railroad Safety Advisory Committee;
Notice of Meeting**

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of Railroad Safety Advisory Committee ("RSAC") meeting.

SUMMARY: FRA announces the next meeting of the RSAC, a Federal Advisory Committee that develops railroad safety regulations through a consensus process. The meeting will address a wide range of topics, including possible adoption of specific recommendations for regulatory action.

DATES: The meeting of the RSAC is scheduled to commence at 9:30 a.m. and conclude at 4 p.m. on Wednesday, February 13, 2002.

ADDRESSES: The meeting of the RSAC will be held at the Almas Temple Club in the Grand Ballroom, 1315 K Street, NW., Washington, DC 20005, (202) 898-1688. The meeting is open to the public on a first-come, first-served basis and is accessible to individuals with disabilities. Sign and oral interpretation

can be made available if requested 10 calendar days before the meeting.

FOR FURTHER INFORMATION CONTACT: Trish Butera, or Lydia Leeds, RSAC Coordinators, FRA, 1120 Vermont Avenue, NW, Stop 25, Washington, DC 20590, (202) 493-6212/6213 or Grady Cothen, Deputy Associate Administrator for Safety Standards and Program Development, FRA, 1120 Vermont Avenue, NW, Mailstop 25, Washington, DC 20590, (202) 493-6302.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), FRA is giving notice of a meeting of the Railroad Safety Advisory Committee ("RSAC"). The meeting is scheduled to begin at 9:30 a.m. and conclude at 4 p.m. on Wednesday, February 13, 2002. The meeting of the RSAC will be held at the Almas Temple Club, 1315 K Street, NW, Washington, DC, 20005, (202) 898-1688. All times noted are Eastern Standard Time.

RSAC was established to provide advice and recommendations to the FRA on railroad safety matters. The Committee consists of 48 individual voting representatives and five associate representatives drawn from among 32 organizations representing various rail industry perspectives, two associate representatives from the agencies with railroad safety regulatory responsibility in Canada and Mexico and other diverse groups. Staffs of the National Transportation Safety Board and Federal Transit Administration also participate in an advisory capacity.

The RSAC will receive greetings and a charge from the new FRA Administrator. The morning session will be dedicated to a discussion of security of railroad passenger and freight operations. Status briefings will be held on Locomotive Cab Working Conditions (full RSAC ballot votes on the NPRM completed by December 10th, 2001), Accident/Incident Reporting, Crashworthiness, Event Recorders and other Working Group activities. The Committee may be requested to act upon recommendations of the Accident Reports Working Group regarding estimation of railroad property damages [RSAC Task 97-7] and recommendations of the Positive Train Control Working Group for resolution of comments on the proposed rule for Processor-Based Signal and Train Control Systems (RSAC Task 97-6). The RSAC will also discuss implications of the use of prescription and over-the-counter medications by safety-sensitive employees, and a briefing on safety initiatives directed a highway-rail grade crossings will be held in the afternoon.

See the RSAC Web site for details on pending tasks at: <http://rsac.fra.dot.gov/>. Please refer to the notice published in the Federal Register on March 11, 1996 (61 FR 9740) for more information about the RSAC.

Issued in Washington, DC on January 11, 2002.

George A. Gavalla,

Associate Administrator for Safety.

[FR Doc. 02-1255 Filed 1-16-02; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2001-11109]

Temporary Cessation of Sounding of Locomotive Horn—Yakima, Washington

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of Interim Final Order and Request for Comments.

SUMMARY: FRA is issuing an Interim Final Order in which The Burlington Northern and Santa Fe Railway Company (BNSF) is ordered to temporarily cease the sounding of locomotive horns at specific crossings within the City of Yakima, Washington. As provided by statute, the Secretary of Transportation, and by delegation, the Federal Railroad Administrator, in order to promote the quiet of communities affected by rail operations and the development of innovative safety measures at highway-rail crossings, may, in connection with demonstration of proposed new supplementary safety measures, order a railroad to temporarily cease the sounding of locomotive horns at such crossings.

DATES: Written comments must be received by February 19, 2002. Comments received after that date will be considered to the extent possible without incurring additional delay.

ADDRESSES: Written comments concerning these proceedings should identify the appropriate docket number (e.g. Docket No. FRA-2001-11109) and must be submitted to the Docket Clerk, DOT Docket Management System (DMS), Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. All written communications concerning these proceedings are available for examination during regular business hours (9am-5 pm) at DOT Central Docket Management Facility, Room PL-401 (Plaza Level), 400 Seventh Street, SW., Washington, DC

20590. You may submit comments online through the DMS Web site at <http://dms.dot.gov/submit>. All documents in the public docket are also available for inspection and downloading at the DMS Web site at <http://dms.dot.gov>. Internet users may also reach the Office of the Federal Register's home page at <http://www.nara.gov/fedreg> and the Government Printing Office's Web page at <http://www.access.gpo.gov/nara>.

FOR FURTHER INFORMATION CONTACT: Ron Ries, Staff Director, Highway Rail Crossing and Trespasser Programs, Office of Safety, FRA, 1120 Vermont Avenue, NW., Washington, DC 20590 (telephone: 202-493-6285); or Mark Tessler, Office of Chief Counsel, FRA, 1120 Vermont Avenue, NW., Washington, DC 20590 (telephone 202-493-6061 (e-mail address: mark.tessler@fra.dot.gov)).

SUPPLEMENTARY INFORMATION:

Background

Section 20153 of Title 49 of the United States Code authorizes the Secretary of Transportation (and by delegation of the Secretary of Transportation, the Federal Railroad Administrator) to prescribe regulations requiring that locomotive horns be sounded while each train is approaching and entering upon each public highway-rail grade crossing. The statute also permits the Secretary to exempt from the requirement to sound the locomotive horn any category of rail operations or categories of highway-rail grade crossings for which supplementary safety measures fully compensate for the absence of the warning provided by the horn. Section 20153(e)(1) states that:

In order to promote the quiet of communities affected by rail operations and the development of innovative safety measures at highway-rail grade crossings, the Secretary may, in connection with demonstration of proposed new supplementary safety measures, order railroad carriers operating over one or more crossings to cease temporarily the sounding of locomotive horns at such crossings. Any such measures shall have been subject to testing and evaluation and deemed necessary by the Secretary prior to actual use in lieu of the locomotive horn.

FRA has been requested by representatives of the City of Yakima, Washington, to order the BNSF to temporarily cease the sounding of locomotive horns at five highway-rail grade crossings in the city in order to demonstrate new and innovative engineering solutions to prevent motorists from entering onto highway-rail grade crossings equipped with fully

sounding of the locomotive horn shall cease pursuant to the terms of this order and shall serve such notice on the BNSF with a copy sent to the Associate Administrator for Safety, FRA, at least 14 days prior to the date on which cessation is planned;

(b) All highway-rail grade crossing warning devices installed at the crossing shall operate properly and in accordance with the provisions of 49 CFR part 234. In the event of a warning system malfunction as defined in 49 CFR 234.5, an engineer operating a train through the crossing is not responsible for sounding the locomotive horn until he or she has been informed of the warning system malfunction; and

(c) Advance warning signs, as approved by the Washington Utilities and Transportation Commissioner and in conformance with the Manual on Uniform Traffic Control Devices issued by the Federal Highway Administration, shall be posted and maintained by the City advising motorists that locomotive horns will not be sounded.

Unless rescinded by the FRA Associate Administrator for Safety at an earlier date, this order is in effect until the effective date of a final rule issued pursuant to 49 U.S.C. 20153, provided that the Associate Administrator for Safety determines that data developed during the initial demonstration period confirms the effectiveness of the subject engineering improvements and periodic monitoring continues to confirm this effectiveness.

Nothing in this order is intended to prohibit an engineer from sounding the locomotive horn to provide a warning to vehicle operators, pedestrians, trespassers or crews on other trains in an emergency situation if, in the engineer's sole judgment, such action is appropriate in order to prevent imminent injury, death or property damage. This order does not require that such warnings be provided nor does it impose a legal duty to sound the locomotive horn in such situations.

Nothing in this order excuses compliance with sections 214.339, 234.105, 234.106, and 234.107 of title 49, Code of Federal Regulations, concerning use of the locomotive horn under circumstances therein described. Nothing in this order is intended to prohibit an engineer from sounding the locomotive horn or whistle to provide necessary communication with other trains and train crew members if other means of communication are unavailable.

Any violation of this order shall subject the person committing the violation to a civil penalty of up to \$22,000.49 U.S.C. 21301. FRA, may

through the Attorney General, also seek injunctive relief to enforce this order. 49 U.S.C. 20112.

Issued in Washington, DC on January 10, 2002.

Allan Rutter,

Federal Railroad Administrator.

[FRDoc. 02-1254 Filed 1-16-02; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2000-7257; Notice No. 26]

Railroad Safety Advisory Committee ("RSAC"); Working Group Activity Update

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Announcement of Railroad Safety Advisory Committee (RSAC) working group activities.

SUMMARY: FRA is updating its announcement of RSAC's working group activities to reflect their current status.

FOR FURTHER INFORMATION CONTACT: Trish Butera or Lydia Leeds, RSAC Coordinators, FRA, 1120 Vermont Avenue, NW., Mailstop 25, Washington, DC 20590, (202) 493-6213 or Grady Cothen, Deputy Associate Administrator for Safety Standards and Program Development, FRA, 1120 Vermont Avenue, NW., Mailstop 25, Washington, DC 20590, (202) 493-6302.

SUPPLEMENTARY INFORMATION: This notice serves to update FRA's last announcement of working group activities and status reports on April 6, 2001, (66 FR 18352). The seventeenth full Committee meeting was held April 23, 2001, at the Mayflower Hotel in the Colonial Ballroom in Washington, DC. The eighteenth meeting is scheduled for February 13, 2002.

Since its first meeting in April of 1996, the RSAC has accepted seventeen tasks. Status for each of the tasks is provided below:

Task 96-1—Revising the Freight Power Brake Regulations. This Task was formally withdrawn from the RSAC on June 24, 1997. FRA published an NPRM on September 9, 1998, reflective of what FRA had learned through the collaborative process. Two public hearings were conducted and a technical conference was held. The date for submission of written comments was extended to March 1, 1999. The final rule was published on January 17, 2001 (66 FR 4104). An amendment extending

the effective date of the final rule until May 31, 2001 was published on February 12, 2001, (66 FR 9905). In addition, the FRA is reviewing petitions for reconsideration of the final rule and has published amendments to Subpart D of the final rule (66 FR 36983; 8/1/01). Contact: Thomas Hermann (202) 493-6036.

Task 96-2—(Completed) Reviewing and recommending revisions to the Track Safety Standards (49 CFR Part 213). This task was accepted April 2, 1996, and a Working Group was established. Consensus was reached on recommended revisions and an NPRM incorporating these recommendations was published in the Federal Register on July 3, 1997, (62 FR 36138). The final rule was published in the Federal Register on June 22, 1998 (63 FR 33991). The effective date of the rule was September 21, 1998. A task force was established to address Gage Restraint Measurement System (GRMS) technology applicability to the Track Safety Standards. A GRMS amendment to the Track Safety Standards was approved by the full RSAC in a mail ballot during August 2000. The GRMS final rule amendment was published January 10, 2001 (66 FR 1894) and the Roadway Maintenance Machines NPRM was published January 10, 2001 (66 FR 1930). On January 31, 2001, FRA published a notice extending the effective date of the GRMS amendment to April 10, 2001 (66 FR 8372). On February 8, 2001, FRA published a notice delaying the effective date until June 9, 2001 in accordance with the Regulatory Review Plan (66 FR 9676). Contact: Al MacDowell (202) 493-6236.

Task 96-3—(Completed) Reviewing and recommending revisions to the Radio Standards and Procedures (49 CFR Part 220). This Task was accepted on April 2, 1996, and a Working Group was established. Consensus was reached on recommended revisions and an NPRM incorporating these recommendations was published in the Federal Register on June 26, 1997 (62 FR 34544). The final rule was published on September 4, 1998 (63 FR 47182), and was effective on January 2, 1999. Contact: Gene Cox (202) 493-6319.

Task 96-4—Reviewing the appropriateness of the agency's current policy regarding the applicability of existing and proposed regulations to tourist, excursion, scenic, and historic railroads. This Task was accepted on April 2, 1996, and a Working Group was established. The Working Group monitored the steam locomotive regulations task. Planned future activities involve the review of other regulations for possible adaptation to

the safety needs of tourist and historic railroads. Contact: Grady Cothen (202) 493-6302.

Task 96-5—(Completed) Reviewing and recommending revisions to Steam Locomotive Inspection Standards (49 CFR Part 230). This Task was assigned to the Tourist and Historic Working Group on July 24, 1996. Consensus was reached and an NPRM was published on September 25, 1998 (63 FR 51404). A public hearing was held on February 4, 1999, and recommendations were developed in response to comments received. The final rule was published on November 17, 1999 (64 FR 62828). The final rule became effective January 18, 2000. Contact: George Scerbo (202) 493-6349.

Task 96-6—(Completed) Reviewing and recommending revisions to miscellaneous aspects of the regulations addressing Locomotive Engineer Certification (49 CFR Part 240). This Task was accepted on October 31, 1996, and a Working Group was established. Consensus was reached and an NPRM was published on September 22, 1998. The Working Group met to resolve issues presented in public comments. The RSAC recommended issuance of a final rule with the Working Group modifications. The final rule was published November 8, 1999 (64 FR 60966). Contact: John Conklin (202) 493-6318.

Task 96-7—Developing Roadway Maintenance Machine (On-Track Equipment) Safety Standards. This task was assigned to the existing Track Standards Working Group on October 31, 1996, and a Task Force was established. The Task Force finalized a proposed rule which was approved by the full RSAC in a mail ballot in August 2000. The NPRM was published January 10, 2001 (66 FR 1930). The Task Force is to meet to review comments on February 27—March 1, 2002. Contact: Al MacDowell (202) 493-6236.

Task 96-8—This Planning Task evaluated the need for action responsive to recommendations contained in a report to Congress entitled, Locomotive Crashworthiness & Working Conditions. This Planning Task was accepted on October 31, 1996. A Planning Group was formed and reviewed the report, grouping issues into categories, and prepared drafts of the task statements for Tasks 97-1 and 97-2.

Task 97-1—Developing crashworthiness specifications to promote the integrity of the locomotive cab in accidents resulting from collisions. This Task was accepted on June 24, 1997. A Task Force on engineering issues was established by the Working Group on Locomotive

Crashworthiness to review collision history and design options and additional research was commissioned. The Working Group reviewed results of the research and is drafting performance-based standards for freight and passenger locomotives to present to the RSAC for consideration. An accident review task force has evaluated the potential effectiveness of suggested improvements. An NPRM has been prepared and circulated, and the Working Group met to review the draft on October 9-10, 2001. The next meeting is scheduled for January 17-18, 2002 to go over proposed drafts. The full RSAC will review after approval of the Working Group. Contact: Sean Mehrvazi (202) 493-6237.

Task 97-2—Evaluating the extent to which environmental, sanitary, and other working conditions in locomotive cabs affect the crew's health and the safe operation of locomotives, proposing standards where appropriate. This Task was accepted June 24, 1997.

(Sanitation). A draft sanitation NPRM was circulated to the Working Group on Cab Working Conditions with ballot requested by November 3, 2000. The NPRM on sanitation was discussed during the full RSAC meeting on September 14, 2000 and published January 2, 2001 (66 FR 136). A public hearing was held April 2, 2001. Refinement and substantive changes were incorporated into the rule language. A meeting was held on August 21, 2001, to discuss comments in response to the NPRM on sanitation. Agreement was reached on resolution of the comments to the NPRM. The Working Group gave concurrence to send the recommendations to the full RSAC for mail ballot vote. The recommendations were approved by the full Committee in December 2001, and FRA is preparing the final rule for early issuance.

(Noise exposure.) A Task Force has assisted in identifying options for strengthening the occupational noise exposure standard, and the Cab Working Group met in October and November, 2000, and April, 2001, and reached tentative agreement on most of the significant issues related to the noise NPRM. The Cab Working Group held a meeting April 3 to 5, 2001, to discuss Noise exposure Standards. Refinement and substantive changes were incorporated into the rule language. A full draft NPRM will be circulated to the working group for consideration. The Cab Working Group has also considered issues related to cab temperature, and is expected to consider additional issues (such as vibration) in the future. Contact: Jeffrey Horn (202) 493-6283.

Task 97-3—Developing event recorder data survivability standards. This Task was accepted on June 24, 1997. The Event Recorder Working Group is completing preparation of an NPRM. The NPRM went to the Working Group on May 21, 2001, for comments, and FRA has reviewed the comments. A new draft is under review within FRA. It will be circulated to the Working Group, which will be asked to consider it. Contact: Edward Pritchard (202) 493-6247.

Task 97-4 and Task 97-5—Defining Positive Train Control (PTC) functionalities, describing available technologies, evaluating costs and benefits of potential systems, and considering implementation opportunities and challenges, including demonstration and deployment. Task 97-6—Revising various regulations to address the safety implications of processor-based signal and train control technologies, including communications-based operating systems. These three tasks were accepted on September 30, 1997, and assigned to a single Working Group. A Data and Implementation Task Force, formed to address issues such as assessment of costs and benefits and technical readiness, completed a report on the future of PTC systems. The report was accepted as RSAC's Report to the Administrator at the September 8, 1999, meeting. The Standards Task Force, formed to develop PTC standards, is developing draft recommendations for performance-based standards for processor-based signal and train control standards. The NPRM was approved by consensus at the full RSAC meeting held on September 14, 2000. The NPRM was published in the **Federal Register** on August 10, 2001. A meeting of the Working Group was held December 4-6, 2001, in San Antonio, Texas to formulate recommendations for resolution of issues raised in the public comments. Consultations continue to complete that activity, after which recommendations will be submitted to the full committee for consideration. Monitoring of implementation continues. Task forces on Human Factors and the Axiomatic Safety-Critical Assessment Process (risk assessment) continue to work, and the Working Group will continue to meet to monitor project implementation. Contact: Grady Cothen (202) 493-6302.

Task 97-7—Determining damages qualifying an event as a reportable train accident. This Task was accepted on September 30, 1997. A working group was formed to address this task and conducted their initial meeting on February 8, 1999. The working group

designed a survey form to collect specific data about damages to railroad equipment. The survey started on August 1 and ended January 31, 2001. A statistical analysis, using the survey data, was done to see if the method could be used to calculate property damages. The report was complete by the last week of April, 2001. A meeting was held May 21–23, 2001 to review the report. The Working Group has agreed to terminate action on this task after reviewing the options. The Working Group is reviewing a draft close-out report for approval by the full RSAC. Contact: Robert Finkelstein (202) 493–6280.

Task 00–1—Determining the need to amend regulations protecting persons who work on, under, or between rolling equipment and persons applying, removing or inspecting rear end marking devices (Blue Signal Protection). A working group has been formed and held its first meeting on October 16–18, 2000. Meetings have been held: February 27–March 1, 2001, March 19–21, 2001, May 1–3, 2001, June 19–21, 2001 and October 23–25, 2001. The next meeting is tentatively scheduled for January 2002. The Working Group has reached tentative consensus on several issues. Contact: Doug Taylor (202) 493–6255.

Task 01–1—Developing conformity of FRA's regulations for accident/incident reporting (49 CFR Part 225) to revised regulations of the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, and to make appropriate revisions to the FRA Guide for Preparing Accident/Incident Reports (Reporting Guide). This task was accepted April 23, 2001, by the full RSAC and assigned to the Accident/Incident Working Group. At a meeting of the Working Group, held May 21–23, 2001, the task was discussed, and four task forces were set up to review changes and/or modifications. To date, these task forces have identified a series of minor modifications to the Reporting Guide/regulations for consideration. A target of September 15, 2001, was set for reporting the recommended changes. The Working Group met September 11, 2001; meeting was dismissed due to national emergency. A meeting was held November 14–15, 2001 in St. Louis, Missouri. A Task Force on Remote Control met on December 11, 2001. The next meeting is scheduled for January 23–24, 2002, in Baltimore, Maryland. Contact: Contact: Robert Finkelstein (202) 493–6280.

Please refer to the notice published in the **Federal Register** on March 11, 1996 (61 FR 9740) for more information about the RSAC.

Issued in Washington, DC on January 11, 2002.

George A. Gavalla,

Associate Administrator for Safety.

[FR Doc. 02–1256 Filed 1–16–02; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. 420521]

Union Pacific Railroad Company— Petition for Declaratory Order— Unilaterally Imposed Interchange Charges

AGENCY: Surface Transportation Board
Department of Transportation.

ACTION: Request for Notices of Intent to Participate.

SUMMARY: The Surface Transportation Board (Board) requests that those intending to participate in this phase of this proceeding, in which interested parties will meet to discuss ways to facilitate the interchange of railroad cars, notify the agency and the Association of American Railroads (AAR) of their intent. The Board is also suspending the procedural schedule established in the prior order (served on December 10, 2001).

DATES: We request that those intending to participate notify the Board and AAR by January 28, 2002. We will issue a further order after the notices of intent to participate have been filed, establishing dates by which the first meeting should be conducted and by which AAR should file a progress report.

ADDRESSES: An original and one copy of each party's notice of intent, referring to STB Docket No. 42052, should be sent to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001, ATTN: STB Docket No. 42052. Two copies should also be sent to Association of American Railroads, 50 F Street, NW., Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: At the Board, Beryl Gordon, (202) 565–1600. [TDD for the hearing impaired: 1–800–877–8339.] At AAR, John Carroll, (202) 639–2373.

SUPPLEMENTARY INFORMATION: This proceeding was instituted by the Board in response to a request for a declaratory order concerning ways in which rail carriers deal with interchange delays. However, because issues regarding interchange delays are often addressed under the framework of the industry-wide Car Service and Car Hire

Agreement (CS/CH Agreement) and Code of Car Service Rules/Code of Car Hire Rules (CS/CH Rules) administered by the AAR, by notice served and published December 10, 2001 (66 FR 63741), the Board concluded that the issues raised could be better addressed in private sector discussions and that the CS/CH Rules must be considered as part of any private sector resolution of the matter that had been brought before the Board. The agency therefore requested that, before a proceeding is moved forward administratively, AAR convene a meeting or series of meetings with railroads, shippers, and other involved parties to discuss ways to address issues concerning delays in the interchange of railroad cars between railroads, and to develop proposals for addressing incidences of traffic delays associated with such interchange. The Board further requested that AAR file a report describing the progress made at the meeting(s) and recommending how best to proceed to resolve these issues.

On December 21, 2001, we received a letter from AAR's General Counsel requesting that we take certain actions to facilitate moving the process forward in the private sector. First, noting that AAR has not been a party to the agency proceeding and that it has not yet been informed of all who may be interested in the matter or what any party's position may be, the letter suggests that we issue a **Federal Register** notice asking interested parties to file notices of intent to participate. To facilitate the conduct of the meeting(s), all parties should file notices of intent to participate, which should provide the name, address, official title, and operational experience of the person who will participate on behalf of the party, along with a brief (not more than one page) summary of the party's position and preliminary recommendations.

Given the interest that we expressed in our prior order for a practical solution based on good faith cooperation among all railroads, AAR's letter further suggests that we encourage participation by persons with expertise in rail operations/interchange issues, rather than by the party's counsel. We agree that the discussions we envisioned in our prior order would focus on operational cooperation rather than legal issues, and that the meeting(s) can be most fruitful if operational solutions are pursued. Thus, we strongly encourage participation by individuals with operational backgrounds.

AAR's letter also suggests that, given the current uncertainty as to the scope of the problem or the number of parties



U.S. Department
of Transportation

Federal Railroad
Administration

Overview of the Railroad Safety Regulatory Program and Standards-Related Partnership Efforts

February 5, 2002

Legend:

ANPRM **Advance Notice of Proposed Rulemaking**

Italics *Indicates project has been identified for
development through the Railroad Safety Advisory
Committee or a similar forum for collaborative
rulemaking*

NPRM **Notice of Proposed Rulemaking**

RSAC **Railroad Safety Advisory Committee**

SACP **Safety Assurance and Compliance Program**

Table of Contents

Summary of Consensus Rulemaking Efforts	1
Safety Rules and Reports.. General	5
Accident/Incident Reporting	5
Blue Signal Protection	6
Bridge Displacement Detection Systems (Report)	6
Control of Alcohol and Drug Use Foreign Crews NPRM (Application of Random Testing and Other Requirements to Employees of a Foreign Railroad Who Are Based Outside the United States and Perform Train or Dispatching Service in the United States).....	7
Event Recorder Next-Generation Performance Standards	7
Florida Overland Express	8
Freight Car Safety Standards; Maintenance-of-Way Cars	8
Locomotive Crashworthiness and Working Conditions	8
Locomotive Engineer Certification; Miscellaneous Revisions	10
Northeast Corridor (NEC) Signal & Train Control	10
Northeast Corridor Safety (NEC) Committee	11
Passenger Equipment Safety Standards	11
Passenger Train Emergency Preparedness	12
Emergency Order No. 20	13
Positive Train Control	13
Power Brakes	14
Railroad Communications	15
Regulatory Reinvention	16
Roadway Worker Safety	16
Safety Integration Plans	17
Small Railroads; Interim Policy Statement	17
Steam Locomotives	17
Roadway Maintenance Machines [Track Motor Vehicle and Roadway Equipment Safety]	18
Tourist Railroad Report	18
Track Safety Standards	19
U.S. Locational Requirement for Dispatching of U.S. Rail Operations	19
Highway-Rail Crossing Safety	20
Commercial Driver Disqualification Railroad-Highway Grade Crossing Violation	20
Grade Crossing Signals (Inspection, Testing and Maintenance)	20
Locomotive Visibility / Auxiliary Alerting Lights	20
Private Highway-Rail Grade Crossings	21
Selection of Grade Crossing Automated Warning Devices	21
Use of Locomotive Horns (Whistle Bans)	21

Hazardous Materials	23
<i>New Directions for Hazardous Materials Safety by Rail</i>	23
Tank Car Crashworthiness and Retest..	28
Other Safety Projects and Partnership Efforts	28
Bridge Structural Safety	28
Discolored Wheels	29
Environmental Impacts	29
Hours of Service Electronic Recordkeeping	29
Remote Control Locomotives..	29
Shared Use of General Railroad System - Joint Statement of Agency Policy ..	30
Shared Use of General Railroad System - FRA Jurisdiction Policy Statement	
.....	30
TOFC/COFC Securement	30
Train Dispatcher Training.. ...	31
SAFETY ADVISORIES/DIRECTIVES/BULLETINS ..	32
PENDING PETITIONS AND SUGGESTIONS FOR RULEMAKING	34

NOTES:

Centralized Docket Management System - Dockets established after October 7, 1998, are available on the DOT Centralized Docket Management System facility and can be accessed over the Internet (<http://dms.dot.gov>). Detailed information is available at the Web site to assist in viewing documents.

Revised Docket Filing Procedures for FRA Rulemaking and Adjudicatory Dockets - Final Rule (64 FR 70193) - This final rule amends certain FRA rules to provide accurate information to the public regarding filing requirements for FRA proceedings. The final rule is effective 2/14/00.

RSAC Website - See the RSAC website for details on pending tasks at: <http://rsac.fra.dot.gov>. Public Website contains all of the documents provided at meetings. The secured site is accessible by Working Group and Task Force members and provides minutes and working documents and information from Working Group and Task Force meetings.

SUMMARY OF CONSENSUS RULEMAKING EFFORTS

Roadway Worker Safety. Consensus achieved in formal negotiated rulemaking; final rule published 12/16/96; effective 1/15/97. Denial of AAR and APTA petitions for reconsideration published 4/21/97.

Passenger Equipment Safety Standards. NPRM based on working group recommendations was published 9/23/97. Public hearing held 11/21/97. Final rule published 5/12/99 (64 FR 25540).

Passenger Train Emergency Preparedness. NPRM based on working group recommendations was published 2/24/97 with significant additions, and a notice of public hearings was published 3/6/97. Public hearings were held in Chicago on 4/4/97 and in New York City on 4/7/97. Final rule published 5/4/98 (63 FR 24630).

Railroad Safety Advisory Committee:

The last full Committee meeting was held on 4/23/01. The eighteenth meeting scheduled for 9/20/01 (postponed for national emergency) has been rescheduled for February 13, 2002. Since its first meeting in 1996, the RSAC has accepted seventeen tasks. Below is a review of the RSAC initiatives to date.

Last RSAC Working Group Activity Update published in the Federal Register (67 FR, 2507, dated 1/17/02. .

Task No.	Subject	Status
96-1	Power Brake Regulations, freight, general revision	Working group charter extended to 1/15/97 to produce NPRM; impasse reached at 12/4/96 meeting, and subsequent efforts to renew talks were not successful. FRA withdrew task at 6/24/97 meeting. FRA published second NPRM 9/9/98 (63 FR 48294) reflective of what FRA has learned through the collaborative process. Public hearings 10/26/98 and 11/13/98; technical conference 11/23-24/98. Submission of written comments date due extended to 3/1/99. Public meeting 5/27/99 on FRA motive power and equipment database. Final rule published 1/17/01 (66 FR 4104). An amendment extending the effective date of the final rule until 5/31/01, was published on 2/12/01 (66 FR 9905); and a subsequent amendment further deferred the compliance date for providing a written record of a test required under 232.409(c) until further notice (66 FR 29502; 5/31/01) . FRA is reviewing petitions for reconsideration and has published amendments to Subpart D of the final rule (66 FR 36983; 8/1/01). FRA is preparing responses to the remaining issues. Remaining responses to petitions for reconsideration ready for Federal Register publication.

96-2	Track Safety Standards, general revision	Consensus achieved; in balloting that concluded 11/21/96, RSAC voted to accept Working Group report and recommend NPRM. NPRM published 7/3/97; public hearing held 9/4/97; comment period closed 9/15/97. Final rule published 6/22/98; effective 9/21/98. FRA prepared an amendment to the final track rule providing for the use of Gage Restraint Measurement System technology (GRMS). Both the GRMS final rule amendment and the proposed Safety Standards for Roadway Maintenance Machines were approved by the full RSAC in a mail ballot during August. The GRMS final rule amendment published 1/10/01 (66 FR 1894) and Roadway Maintenance Machines NPRM published 1/10/01 (66 FR 1930). On 1/31/01, FRA published a notice extending the effective date of the GRMS amendment to 4/10/01 (66 FR 8372). On 2/8/01, FRA published a notice delaying the effective date until 6/9/01, in accordance with the Regulatory Review Plan (66 FR 9676). The GRMS rule was reviewed and has been finalized. (Completed)
96-3	Railroad Communications including revision of Radio Standards and Procedures)	Final meeting of Working Group held 1/23/97. Working Group provided consensus NPRM to RSAC at 3/24/97 meeting. RSAC voted to accept the NPRM on 4/14/97. NPRM published 6/26/97. Final rule published 9/4/98 (63 FR 47182). (Completed)
96-4	Tourist Railroads	Open task to address needs of tourist and historic railroads. On 4/1/96 RSAC authorized the formation of a Working Group to monitor and assist completion of the steam locomotive regulations task. Planned future activities involve review of other regulations for possible adaptation to the safety needs of tourist and historic railroads.
96-5	Steam-Powered Locomotives, revision of inspection standards	Tourist & Historic Working Group met with task force representatives 9/3/97. NPRM approved by full committee on 2/17/98. NPRM published 9/25/98 (63 FR 51404). Public hearing held 2/4/99. Task Force developed and Working Group approved recommendations in response to comments received. NPRM approved by full Committee ballot 9/29/99. Final rule published 11/17/99 (64 FR 62828). Effective 1/18/00. (Completed)
96-6	Locomotive Engineer Qualification and Certification, general revision	Task accepted 10/31/96; first working group meeting held 1/7-9/97. NPRM approved by full committee 5/14/98. NPRM published 9/22/98 (63 FR 50625). Final rule published 11/8/99 (64 FR 60966). (Completed)
96-7	Roadway Maintenance Machines (On-Track Equipment) Safety Standards	Task accepted 10/31/96. Task assigned to the existing Track Standards Working Group and a Task Force was established. The Task Force finalized a proposed rule which was approved by the full RSAC in a mail ballot in August 2000. The NPRM was published 1/10/01 (66 FR 1930). The Task Force is scheduled to meet 2/27-28 and March 1 st if necessary to review comments. Next: Working Group and Full RSAC approval.
96-8	Locomotive Crashworthiness and Working Conditions (planning task)	Planning task accepted 10/31/96; planning group met 1/23/97; two task statements were accepted by the full Committee at 6/24/97 meeting [see 97-1, 97-21. Planning task is COMPLETED. (Completed)
97-1	Locomotive Crashworthiness	Task accepted 6/24/97; Working Group held initial meeting 9/8-9/9/97. A Task Force on engineering issues was established by the Working Group to review collision history and design options. The Working Group reviewed results of research, reached agreement regarding desired technical and performance-based standards, and is currently drafting performance-based standards for freight and passenger locomotives to present to the RSAC. An accident review task force has evaluated the potential effectiveness of suggested improvements. An NPRM has been prepared and circulated, and the Working Group met to review the draft on 10/9-10/01 in Washington, DC. Meeting held 1/17 and 1/18/02 to go over the proposed redrafts. AAR and the RR caucus

		presented revised crashworthiness standards for consideration by the Working Group. The Working Group reached tentative agreement for a proposed rule. The RIA is being revised to reflect the changes. Full RSAC review after approval of the Working Group.
97-2	ocomotive Cab Working Conditions	Task accepted 6/24/97; working group held initial meeting 9/10-11/97. The Working Group established task forces on noise and temperature. Sanitation: A draft sanitation NPRM was circulated to the Working Group for approval, with ballots requested by 11/3/00. The NPRM on Sanitation was published 1/2/01 (66 FR 136). A public hearing was held 4/2/01. Refinement and substantive changes were incorporated into the rule language. A meeting was held on 8/21/01 to discuss comments in response to the NPRM on sanitation. Agreement was reached on resolution of the comments to the NPRM, subject to review of meeting minutes capturing these agreements. Working Group gave concurrence to send recommendations to full RSAC for ballot vote. Ballot completed by 12/10/01 with the full RSAC concurring with recommendations for final rule resolution. Final rule being prepared. Noise: The full Working Group met in October and November and reached tentative agreement on most of the significant issues related to the noise NPRM. The Cab Working Group met 4/3-4/5/01 to refine recommendations to the FRA for Noise Standards. A full draft NPRM on noise exposure standards will be circulated to the Working Group for consideration. Cab Temperature and Vibration: The Cab Working Group has also considered issues related to cab temperature and is expected to consider additional issues (such as vibration) in the future.
97-3	Event Recorders (data survivability, inspection, etc.)	Task accepted 6/24/97; working group first met 9/12/97. The Working Group and Task Force have conducted meetings. The Event Recorder Working Group is completing preparation of an NPRM. The draft NPRM went to the Working Group on 5/21/01 for comment and FRA has reviewed the comments. The new draft NPRM and Reg Eval were sent to the Working Group on 1/30/02 Working Group to meet to seek consensus.
97-4, 97-5, 97-6	Positive Train Control	Tasks accepted 9/30/97 and assigned to single working group. Report: Data and Implementation Task Force completed report on the future of PTC systems; report accepted for forwarding to FRA by full Committee vote at 9/8/99 meeting. FRA enclosed report with letter Report to Congress signed 5/17/00. Meeting schedule: The Working Group met 12/4-6/01 in San Antonio, TX. The Working Group continues to meet to track progress toward PTC implementation. Task forces on Human Factors and the Axiomatic Safety-Critical Assessment Process (risk assessment) continue to work. Monitoring of implementation continues.
97-7	Calculation of Damages for Reportable Train Accidents	Task accepted with modification 9/30/97. Working initial meeting held 2/8/99. The Working Group designed a survey form to collect data about damages to railroad property. The pilot survey started 8/1/00 and ended 1/31/01. Working Group meeting was held 5/21-23/01 to review the report from the pilot. Meetings held 11/14-15/02 in St. Louis and on 1/23-24/02. The Working Group has agreed to terminate action on this task after reviewing the options. The Working Group has provided a close out report for full RSAC action at the 2/13/02 meeting.

00-1	Blue Signal Protection of Workers	Task accepted 1/28/00; working group formed. First meeting was held 10/16-18/00; the second from 2/27-3/31/01 and the third meeting on 3/19/22/01. Additional meetings were held 5/1-3/01 and 6/19-21/01. Meeting held 10/23-25/01 in Orlando, Florida. Reached consensus on several issues. Meeting held 1/28-31/02. FRA has committed to draft an NPRM that attempts to resolve the issues among the parties.
01-1	Developing conformity of FRA's regulations for accident and incident reporting to revised regs of the OSHA, and to make appropriate revisions to the FRA Guide	Task accepted 4/23/01, by the full RSAC and assigned to the Accident/Incident Working Group. Working Group met on 5/21-23/01 and the task was discussed. Four task forces were set to review changes and/or modifications. To date, these task forces have identified a series of minor modifications to the Reporting Guide/regulations for consideration that will be presented to the Working Group for approval. A target date of 9/15/01 was set for reporting the recommended changes. The Working Group met 9/11/01 in Chicago; meeting was dismissed due to national emergency. A meeting was held 11/14-15/01 and 1/23-24/02 in Baltimore, MD. Next meeting is scheduled for 3/12-13/02.

SAFETY RULES AND REPORTS—GENERAL

Accident/Incident Reporting

- Summary:** The Rail Safety Enforcement and Review Act barred FRA from adjusting the monetary threshold for reporting of train accidents until the methodology was revised. In addition, FRA identified the need to comprehensively revise these regulations, which had
- not been revised since 1974. The report of the Committee of Conference on the Department of Transportation and Related Agencies Appropriation Act, 1996, directed FRA to issue a final rule in this proceeding by 6/1/96.

History: An NPRM was issued 8/19/94, followed by public hearings and written comment. A public regulatory conference was convened 1/30-2/3/95 in an effort to resolve outstanding issues. A notice of decision to issue a supplemental NPRM was published 7/3/95, but was withdrawn in a notice published on 1/24/96.

Status: Completed. Final rule was issued 5/30/96 and published 6/18/96 (61 FR 30940). Stay requests were denied, and technical amendments were published 11/22/96 (61 FR 59368). A notice of availability of custom software was also published 11/22/96 (61 FR 59485). On 12/16/96, the Administrator signed final rule amendments, which were published 12/23/96 (61 FR 67477). Final rule became effective 1/1/97. Industry training partnerships have been executed.

Next steps:

(1) FRA offered RSAC a task on 9/30/97 to review the definition of events required to be reported as train accidents, as requested by the Committee on 6/24/97. By request of the Committee, the task was limited to determination of damages qualifying an event as a reportable train accident. A Working Group has been formed and held its initial meeting 2/8/99. The Working Group designed a survey form to collect specific data about damages on railroad equipment. The survey began 8/1/00 and ended 1/31/01. The survey was voluntary, but most of the larger freight railroads participated, as well as four passenger railroads. Report was completed last week of April 2001. The Working Group met 5/21–23/01 to review the report. Pilot proved to be unworkable. A statement recommending termination of the task has been adopted and forwarded to the full RSAC for consideration on 2/13/02.

(2) FRA offered an additional task at the RSAC meeting of 4/23/01 which was accepted by the full RSAC and assigned to the Accident/Incident Working Group. The task concerns amendments needed to conform Part 225 to the Occupational Safety and Health Administration's revised record keeping and reporting rule (1/18/01). In addition, the RSAC approved the review of, need for, and content of, various proposed changes to the Reporting Guide. The Working Group met on 5/21-23/01. The task was discussed and four task forces were set to review changes and/or modifications to the Reporting Guide/regulations for consideration that will be presented to the Working Group for

consideration. A target date of 9/15/01 was set for reporting the changes. The Working Group met on 9/11/01, with meeting dismissed due to national emergency. The next meeting was held 11/14-15/01 in St. Louis, MO. The Working Group has met and made good progress. The Task Force on remote control met on December 11, 2001, and the Working Group met 1/23-24/02 in Baltimore, MD.

Blue Signal Protection

Summary: On 8/16/93, FRA published a final rule permitting one or more utility employees to associate themselves with a train crew for the purpose of performing normal operating functions that require employees to go on, under or between rolling stock, without use of blue signal protection (which is ordinarily appropriate for mechanical duties). During the proceeding it was noted that rules for locomotive engineers working alone were not clearly defined. FRA published a final rule amendment governing single engineers working alone on 3/1/95, but granted a requested suspension of the amendment on 6/9/95 pending development of additional facts. Since that time, additional blue signal issues have continued to emerge, including application of the requirements to contractors performing the subject functions on railroad property.

Status: On 10/31/96, the RSAC advised FRA that this project should not be proposed for early tasking, given conflicting demands on the resources of member organizations. RSAC accepted task at the 1/28/00 full Committee meeting. A Working Group has been formed and held its first meeting on 10/16-18/00 in Washington, DC. The second and third meetings were held 2/27-3/1/01 in San Diego, CA and 3/20-3/22/01 in St. Louis, MO. Additional meetings were held 05/1-3/01 in Atlanta, GA and 06/19-21/01 in Orlando, FL. The group met 10/23-25/01, in Orlando, FL; reaching tentative consensus on several issues. The next meeting was held 1/28-31/02. FRA has committed to draft an NPRM that attempts to resolve the issues among the parties.

Bridge Displacement Detection Systems (Report)

Summary: The Federal Railroad Safety Authorization Act of 1994 required FRA to submit a report on systems to detect bridge displacement of the type that caused the derailment of the Sunset Limited at Mobile, Alabama, 9/22/93.

Statutory deadline: 5/2/96

Status: Completed. A technical evaluation report was published 6/23/94 and made available to the respective committees. A formal report was issued and forwarded to the Congress on 4/11/00.

Control of Alcohol and Drug Use - Foreign Crews - NPRM (Application of Random Testing and Other Requirements to Employees of a Foreign Railroad Who Are Based Outside the United States and Perform Train or Dispatching Service in the United States).

Summary: In general, FRA's regulation on the control of alcohol and drug use (49 CFR Part 219) currently applies to all railroads that operate on the general rail system of transportation in the United States. However, part 219 presently exempts from certain subparts operations by foreign railroads and certain small railroads. Currently an employee of a foreign service whose primary reporting point is outside the U.S. but who performs service in the U.S. subject to the hours of service laws (train, dispatching, or signal) is exempt from pre-employment and random testing. FRA prepared a rule proposing to limit the exemption to Foreign Railroad's Foreign-Based Employees who perform signal service in the U.S.

Status: The NPRM was published December 11, 2001, and FRA will hold a public hearing on the NPRM on February 4, 2002.

Event Recorder Next-Generation Performance Standards

Summary: The National Transportation Safety Board has noted the loss of data from event recorders in several accidents due to fire, water and mechanical damage. In issuing final rules for event recorders which became effective 5/5/95, FRA noted the need to provide more refined technical standards. NTSB proposed performance standard for data survivability.

Background: Conducted an initial meeting of an informal working group comprised of AAR, RPI, and labor, and co-chaired by NTSB and FRA experts, on 12/7/95 to consider development of technical standards. At the RSAC meeting on 7/24-7/25/96, the AAR agreed to continue this inquiry, and on 11/1/96, AAR reported to the RSAC the status of work on proposed industry standards. On 3/5/97, NTSB issued recommendations regarding testing and maintenance of event recorders as a result of finding in the investigation of the BNSF accident of 2/1/96 at Cajon Pass, California. On 3/24/97, the RSAC indicated its desire to receive a task to consider NTSB recommendations with respect to crash survivability, testing and maintenance.

Status: RSAC accepted task 6/24/97. The Event Recorder Working Group first met 9/12/97. The Working Group and Task Force have conducted meetings and a draft proposed rule is being reviewed. The NPRM went to the Working Group on 5/21/01 for comment which is integrating comments received. (Task No.97-3). This new draft of the NPRM and the Regulatory Evaluation was forwarded to the Working Group on 1/30/02. A Working Group meeting is being scheduled in early 2002.

Florida Overland Express

Summary: FRA received a petition for a rule of particular applicability for operations over a new high-speed railroad between Miami and Tampa via Orlando. The State of Florida had established a dedicated funding stream of \$70 million per year towards creation of this new private/public partnership.

Status: Received petition for rule of particular applicability 2/18/97. FRA issued NPRM 12/12/97 (62 FR 65478). Comment period closed. FRA reviewed comments received and held a public hearing on 11/23/98 to discuss a variety of issues. The State of Florida withdrew its support and funding for this project 1/99, suspending all activity on development. **The rulemaking was terminated** (65 FR 50952; 8/22/00).

Freight Car Safety Standards; Maintenance-of-Way Cars

Summary: Cars not in compliance with the Freight Car Safety Standards may be operated at track speed in revenue trains if they are company-owned, stenciled cars. FRA published an NPRM 3/10/94 to close this loophole. FRA requested the Association of American Railroads to amplify its comments by letter of 12/20/94.

Status: AAR response received 8/4/95 is under review. FRA offered a task to the RSAC to resolve final rule issues on 9/30/97; following an objection from the AAR, the matter was prevented from coming to a vote. FRA will prepare a Termination Notice.

Locomotive Crashworthiness and Working Conditions

Summary: The Rail Safety Enforcement and Review Act of 1992 required FRA to conduct a proceeding regarding locomotive crashworthiness and working conditions and to issue regulations or submit a report. Areas for consideration included structural means of preventing harm to crew members in collisions (collision posts, antilclimbers, etc.) and matters related to safety, health and productivity (e.g., noise, sanitation).

Statutory deadline: 3/2/95

Background: FRA conducted research, outreach, and a survey of locomotive conditions and finalized a report to the Congress transmitted by letter of 9/18/96. The report conveyed data and information developed by FRA to date, closed out those areas of investigation for which further action is not warranted, and defined issues that should be pursued further in concert with the industry parties, either for voluntary or regulatory action. On 10/31/96, the RSAC accepted a preliminary planning task. The Locomotive Crew Safety Planning Group met 1/23/97, and subsequent consultations led to preparation of task statements.

Status: RSAC accepted two tasks 6/24/97. (RSAC Task 97-1, locomotive crashworthiness; and Task 97-2, locomotive cab working conditions).

Locomotive Crashworthiness Working Group met 9/8-9/97 and established a task force on engineering issues that has been active in reviewing collision history and design options. The Working Group reviewed the results of research and is drafting performance-based standard. The review of collision data for use in the regulatory action was completed in 9/00. **An** accident review task force has evaluated the potential effectiveness of suggested improvements. A draft NPRM has been circulated to the Working Group, which met 10/9-10/10/01 to review the draft and consider economic issues. Next meeting was held 1/17 and 18/02 to go over proposed drafts. AAR and the Railroads presented revised crashworthiness standards for consideration by the Working Group. The Working Group reached tentative agreement on the elements **of a** proposed rule, subject to FRA's review of the data and economic implications. Upon completion of the review, FRA will provide a revised NPRM draft for review.

Locomotive Cab Working Conditions Working Group met for the first time 9/10-11/97 and established task forces on noise and temperature.

Sanitation. The Working Group approved a draft NPRM on cab sanitation, which was approved by the full committee on 12/7/00. The NPRM **was** published 1/2/01 (66 FR 136). A public hearing was held 4/2/01; and the docket remained open through 5/1/01. Refinement and substantive changes were incorporated into the rule language. A meeting was held 8/2/01 to discuss the comments in response to the NPRM. Agreement was reached on resolution of the comments to the NPRM, subject to review of meeting minutes capturing agreements. Verbal consent given by the Working Group to send to full RSAC for ballot vote. Full RSAC approved by ballot voting. Ballots were due by December 10, 2001. Final rule being prepared.

Noise exposure. The Cab Working Group met in October and November of 2000 on the issue of occupational noise exposure for cab employees **and** achieved tentative agreement on most of the significant issues. The Working Group met 4/3-4/5/01 to refine recommendations to the FRA for Noise Standards. **A full** draft NPRM on Noise exposure Standards will be circulated to the Working Group for consideration.

Temperature. The Cab Working Group has also considered issues related to cab temperature, but could not reach agreement to proceed.

The Cab Working Group is expected to consider additional issues (such as vibration) in the future.

Locomotive Engineer Certification; Miscellaneous Revisions

Summary: The final rule for locomotive engineer certification became effective in 1991, but certain issues were left unresolved. Experience under the rule has raised additional issues. Examples of issues under review include the status of operators of specialized maintenance-of-way equipment and types of conduct for which decertification is appropriate.

Status: Completed. An interim final rule amendment dealing with agency practice and procedure concerning engineer certification appeals was published 10/12/95. Issues related to procedures on the properties, offenses warranting decertification, periods of decertification, operation of specialized equipment, etc., are pending. The RSAC accepted this task on 10/31/96. The Working Group's initial meeting was held 1/7-1/9/97. Final meeting to review proposed rule language was held 10/7-10/9/97, and task force on hearing and vision met 10/21/97 to finalize language. The full committee voted 5/14/98 to recommend issuance of the NPRM forwarded by the Working Group. The NPRM was published 9/22/98 (63 FR 50625) (RSAC Task 96-6.) The Working Group met to resolve issues presented in public comments, and on 1/28/99 the RSAC voted to transmit recommendations regarding issues for which the Working Group had received comments. The final rule was published 11/8/99 (64 FR 60966); effective date 1/7/00. (FRA Docket No. RSOR-9. Notice 12).

Northeast Corridor (NEC) Signal & Train Control

Summary: Amtrak is planning operations to 150 mph on portions of the NEC and is implementing improvements to the automatic train control system that will provide positive stop and continuous speed control capabilities. FRA's Northeast Corridor Safety Committee (NCSC) met 9/20/94 and approved a set of performance criteria for the new system.

Status: Completed. On 1/30/97, Amtrak provided to FRA a draft system concept for the Advanced Civil Speed Enforcement System (ACSES), including conditions for operation on designated territories on the south and north ends of the NEC. Final details were received by FRA on 7/9/97. A notice of Proposed Order for the new signal and train control system authorizing speeds to 150 miles per hour (135 mph on the South End with only high-speed trains equipped under "flanking protection") was published 11/20/97 (62 FR 62097), and written comments were due by 12/22/97. As a result of requests, a public hearing was set for 2/17/98 (63 FR 3389), and the comment closing date was extended to 2/24/98. Final Order of Particular Applicability published 7/22/98 (63 FR 39343); effective 8/21/98. Amendments to the Order of Particular Applicability published 10/19/00 (65 FR 62975). The amendments include a new implementation schedule and technical changes. The order was further amended to provide a temporary procedure for operations in the case of failed on-board equipment (66 FR 1718; 1/9/01).

Northeast Corridor Safety (NEC) Committee

Summary: This committee has not met recently because of funding constraints under the advisory committee cap (now removed) and as a result of the need to intensively address specific issues with Amtrak and other NEC operators related to recent corridor improvements and the beginning of Acela Express service at speeds to 150 mph. Issues addressed in past years included signal/train control criteria to support these new high-speed operations, emergency response, coordination of freight and passenger service on the NEC, vandalism and trespassing. The committee's work has prompted important safety research, legislative proposals and regulatory action.

Background: The NEC Safety Committee was created pursuant to the Railroad Safety Improvement Act of 1988, as amended by the Rail Safety Enforcement Act of 1992. The statute provided for the Committee to expire on January 1, 1999, or on such date as the Secretary deems to be appropriate. It has served as an effective forum for interested parties to address safety issues related to the operation of the Nation's foremost high-speed passenger line. There is a continuing need for advice on safety issues, but since it is not necessary to re-activate the statutory Committee, it has been re-established as a discretionary committee. An NEC forum was held 12/11/01.

Passenger Equipment Safety Standards

Summary: The Federal Railroad Safety Authorization Act of 1994 (enacted 11/2/94) required FRA to issue initial passenger safety standards within 3 years and complete standards within 5 years. The agency was authorized to consult with industry parties outside the Federal Advisory Committee Act, making it possible to conduct an informal negotiated rulemaking.

Statutory deadline: 11/2/97 (initial); 11/2/99 (final).

Status:

Phase I: An initial meeting of the Passenger Equipment Safety Working Group (passenger railroads, operating employee organizations, mechanical employee organizations, and representatives of rail passengers) was held on 6/7/95, and the group met regularly to develop an NPRM. Manufacturer/supplier representatives served as associate members. FRA prepared an ANPRM indicating the issues under review by the working group, which was published 6/17/96 (61 FR 30672). The Working Group held its final meeting on the NPRM 9/30-10/2/96, having reached consensus on a portion of the issues presented. An NPRM was published 9/23/97 (62 FR 49728). The public hearing was held 11/21/97 (see 62 FR 55204; 10/23/97). Comments were due 11/24/97. Final Working Group meeting on the initial standards was held 12/15-12/16/97, and an additional meeting on intercity and high speed issues was held 1/6/98. The final rule was published 5/12/99 (64 FR 25540). Final rule amendments responsive to petitions for reconsideration on issues regarding inspection, testing and maintenance of passenger cars

were published 7/3/00 (65 FR 41284). FRA is finalizing additional amendments in response to petitions for reconsideration.

Phase 11: The first phase of this rulemaking activity, including the passenger emergency preparedness proceeding described below, resulted in comprehensive safety standards for passenger service. Phase II will address enhancements based on ongoing research, development of detailed standards by the American Public Transportation Association (APTA) Passenger Rail Equipment Safety Standards (PRESS) task force, and other identified needs. This phase commenced in 2000 and will be progressed through targeted rulemakings as research results and consultations mature. Held a research needs workshop with APTA in April 2000.

Passenger Train Emergency Preparedness

Summary: The Federal Railroad Safety Authorization Act of 1994 required FRA to issue emergency preparedness standards for passenger service. Initial standards were required within 3 years and complete standards within 5 years. The agency was authorized to consult with industry parties outside the Federal Advisory Committee Act, making it possible to conduct an informal negotiated rulemaking.

Statutory deadline: 11/2/97 (initial); 11/2/99 (final)

Background: An initial meeting of the Working Group for passenger train emergency preparedness standards was held on 8/8/95. The group met 2/6-7/96 to develop elements of an NPRM and met jointly with the Passenger Equipment Safety Standards Working Group on 3/26/96 to consider related issues, including the implications of Emergency Order No. 20 and recommendations of the National Transportation Safety Board. The Working Group included representatives of passenger railroads, operating employee and dispatcher organizations, and rail passenger organizations, and an advisor from the National Transportation Safety Board. The Working Group approved draft rule text, which was incorporated in an NPRM forwarded for review and clearance. Changes requested during review and clearance were provided to the working group during the week of 12/16/96.

Status: Completed. The NPRM was published 2/24/97 (62 FR 8330), and a notice of public hearings was published 3/6/97 (62 FR 10248). Public hearings were held in Chicago on 4/4/97 and in New York City on 4/7/97. Written comments were due by 4/25/97. The Working Group met 8/28/97 and agreed in principle to revisions for inclusion in the final rule. The final rule was published 5/4/98 (63 FR 24630), and a correction notice was published 7/6/98 (63 FR 36376).

NOTE: The following order is closely associated with the two prior entries:

Emergency Order No. 20

Summary: This order deals with the safety of push/pull and electric multiple unit service. The order was issued 2/20/96 (61 FR 6876; 2/22/96), and amended 2/29/96 (61 FR 8703; 3/5/96). Intercity and commuter passenger railroads were required to adopt operating rules providing for observance of reduced speed where delays are incurred in blocks between distant signals and signals at interlocking or controlled points. Marking of emergency exits and testing of emergency windows was required. Interim system safety plans were required to be filed.

Status: The order has been fully implemented. On 3/26/96, the Passenger Equipment Safety Working Group and the Emergency Preparedness Working Group met jointly to consider implementation issues and crossover issues with the two rulemaking proceedings and recent recommendations of the National Transportation Safety **Board**. The American Public Transportation Association and its members have undertaken a number of actions in response to the emergency order, including development of comprehensive system safety plans. Codification, revision or termination of provisions will be considered during the second phase of passenger safety standards rulemaking.

Positive Train Control

Evaluation of needs and feasibility (implementation):

Summary: These tasks involve defining PTC functionalities, describing available technologies, evaluating costs and benefit of potential systems, and considering implementation opportunities and challenges, including demonstration and deployment. (RSAC Tasks 97-4 and 97-5).

Status: Accepted by RSAC 9/30/97. Monitoring of implementation continues. Data and Implementation Task Force completed report on future **of** PTC, which **as** accepted by the full RSAC on 9/8/99. Meetings of Working Group were held 3/26/01, 8/14-15/01 and 12/4-12/6/01, with discussion focusing on projects and development of the risk assessment tool kit.

Performance Standards for PTC Systems

Summary: Existing signal and train control regulations are built around relay-based controllers and traditional track circuits, but technology is rapidly advancing. This task requires revising various regulations, including 49 CFR Part 236, to address the safety implications of processor-based signal and train control technologies, including communication-based operating systems. The purpose of the effort is to encourage deployment of innovative technology by providing a predictable environment. (RSAC Task 97-6). The concept of PTC refers to the ability to prevent train-to-train collisions, over speed derailments and casualties to roadway workers who are within authorized work zones along the railroad.